IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTYSEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION No.7035 of 2007**

Between:
Dr.Mohammed Ali Baig

**….. PETITIONER**

AND
Municipal Corporation of Hyderbad
Rep.by its Commissioner, Tank Bund,
Hyderabad and 2 others

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE S.ANANDA REDDY**

**WRIT PETITION No.7035 of 2007**

**ORDER:**

This writ petition is filed by the petitioner, aggrieved by the proceedings of the 1st respondent Corporation in rejecting the application, seeking permission for construction of a building in plot No.9, Ground plus First and Second floor, situated at Shaikpet village, Hyderabad, which is stated to be part of lay out of Women's Cooperative Housing Society situated in TS No.3/3, Block-A, Ward No.10, co-related Sy.No.403 of Shekpet.

It is stated that the application of the petitioner for approval of the building permission was rejected on a letter stated to have been issued by the District Collector, the 3rd respondent herein, which claims that the property in Sy.No.403 of Shekpet belongs to the Government. It is stated that the proceedings of the 3rd respondent were successfully assailed before this Court by the Women's Cooperative Housing Society, against which it is stated to have been filed SLP by the 3rd respondent or the State. It is stated on behalf of the 1st respondent that in view of the objections raised by the 3rd

respondent, the petitioner's application was rejected. However, at the time of hearing, it is conceded by the standing counsel for the 1st respondent that if the petitioner gives an undertaking before the 1st respondent that in case the Government succeeds in their proceedings which are pending before the Apex Court, the petitioner would not claim any equities with reference to the constructions that are going to be made in the disputed site and his claim could be considered if an undertaken is filed before the 1st respondent. The counsel for the petitioner represented that the petitioner is willing to file such an undertaking and would take the conditional approval.

In that view of the matter, the impugned order dated 06.02.2007 is set aside and the petitioner is directed to resubmit an application before the 1st respondent and on submission of such application, if it is in order, the 1st respondent is directed to consider and pass appropriate orders thereon, within a period of two weeks from the date of receipt of such an application together with the undertaking.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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**S.ANANDA REDDY,J**

Dated: 27.09.2007
Dsr